

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KEVIN A. MANN	:	CIVIL ACTION
	:	
v.	:	NO. 21-1070
	:	
MARK GARMAN, <i>et al.</i>	:	

ORDER

AND NOW, this 6th day of May 2021, upon reviewing the Petitioner's April 12, 2021 Letter (ECF Doc. No. 12) requesting a voluntary withdraw of his pending Petition for habeas relief, consistent with Judge Lloret's Report and Recommendation (ECF Doc. No. 13) confirming this withdrawal, and absent timely objections to Judge Lloret's Report and Recommendation, it is **ORDERED**:

1. We **APPROVE** and **ADOPT** Judge Lloret's Report and Recommendation and **GRANT** Petitioner's specific request (ECF Doc. No. 12) to dismiss the pending action without prejudice for the Petitioner to refile his Petition upon concluding his proceedings in state court;
2. Petitioner is on notice an untimely Petition filed under the Antiterrorism and Effective Death Penalty Act of 1996 may result in the loss of his claims;
3. The Clerk of Court shall **close** this case; and,
4. There is no basis for a certificate of appealability given the voluntary withdraw and the Petitioner not making a substantial showing of the denial of a constitutional right since he has not demonstrated reasonable jurists would find our assessment of a constitutional claim debatable or wrong.



KEARNEY, J.